

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 26-29, 31-36, 38-49, 51-56, 58-62, 67-69, and 72 are currently active in this case. Claims 64, 65, and 71 have been cancelled, and claims 28, 29, 33, 40, 41, 46, 53, 54, 68-70 and 72 have been amended by the current amendment.

In the outstanding Office Action, claims 64, 65, and 71 were rejected under 35 USC 101; claims 68 and 72 were objected to; claims 26-29, 31-33, 35, 36, 38-46, 48, 49, 51-59, 61 and 68-70 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2001/0053944 to Marks et al.; claims 34, 47, and 60 were rejected under 35 USC 103(a) as being unpatentable over Marks in view of US Patent No. 6,587,127 to Leeke et al.; and claims 67 and 72 were rejected under 35 USC 103(a) as being unpatentable over Marks in view of Leeke.

Claims 64, 65, and 71 have been cancelled without prejudice. Consequently, the 35 USC 101 rejection is moot.

In response to the objections to claims 68 and 70, those claims have been amended as recommended in the Office Action. Consequently, no further objection to those claims is anticipated.

Briefly recapitulating, in the present invention, the main service, one or more additional services, and the service information are transmitted in a common service channel (i.e., the same service channel). As described on page 2, lines 26 to 30 of the specification, the broadcast data of an additional service is usually a part of the broadcast data of the main service. Further, it is described on page 11, lines 13 to 19 of the specification that the service channel can include the service information.

In contrast thereto, in Marks et al., various services are transmitted over different channels (e.g. a top channel, a side channel, and a program channel). That is, Marks does not disclose or suggest providing one or more additional services included within a main service over a common service channel. As shown in Fig. 17 of Marks, the top channel, which the office action regards as a main service, and the other channels, which the office action regards as the additional services of the station FM KXXX, are separate channels. As is described in paragraph [0046] of Marks, the channel dial can select different channels within one station. In the case where there is only one option available for non-network stations, the channel dial will do nothing. Also in paragraph [0054] of Marks, it is described in lines 4 to 7, that if the station is not an affiliate, nothing will change and the top channel will continue to play unmodified. By contrast, the present invention (claim 68) includes a common service channel which includes the main service, one or more additional services, and the service information.

Further, Marks does not teach or suggest that a main service, one or more additional services, and the service information indicating how to access the at least one additional service are included in the common service channel. If, arguendo, the top channel in Marks constitutes the service channel according to the invention, then Marks does not teach or suggest the one or more additional services and the service information included in the common service channel. Thus, from Marks it is also not taught or suggested to extract, store, and update the service information included in the common service channel. Since, as mentioned above, in paragraph [0054] of Marks it is described that nothing will change if the station is not an affiliate, the steps of (i) activating the receiving device, or necessary parts thereof, (ii) accessing an additional service, and (iii) returning the receiving device or said parts thereof to a pre-activation state during the remainder of the time are not taught or suggested by Marks.

Finally, in contrast to Marks, in the present invention there is no feedback from the user to the service provider (i.e., uni-directional transmissions from the service provider to the user are defined by the claims). Marks provides an audio Internet navigation system where there is a flow of information from the user to the service provider so that the service provider is in a position to provide information according to a play list generated by the user. In Marks a transmission according to a play list can only be performed if the service provider knows the play list. The play list is formed by deleting or skipping pieces of information and informing the service provider. Thus, Marks is a bi-directional system.

For the foregoing reasons, Marks is not believed to anticipate or render obvious the subject matter defined by claim 68. The same arguments apply to independent claims 69-71. Thus, the subject matter of those claims is also believed to be allowable.

Claims 34, 47, and 60 stand currently rejected under U.S.C. § 103(a) as being unpatentable over Marks in view of Leeke. Claims 34, 47, and 60 depend from claims 68, 69, and 70, respectively, and are believed to be allowable for at least the same reasons that claims 68-70 are believed to be allowable.

Regarding claim 72, it recites similar features relating to the uni-directional transmission between the service provider and the receiving device and the common service channel. Neither Marks nor Leeke disclose or suggest an apparatus for accessing an additional service that is included in a common service channel together with a main service and service information indicating how to access the additional service. The audio Internet navigation system of Marks as well as the content player of Leeke use different channels for their contents. Further, both systems are feedback systems in which information flows from the receiving station to a service provider. Applicants submit that a person of ordinary skill in the art would not have obtained any suggestion from Leeke to modify a receiving device of the audio Internet navigation system of Marks in such a way that the main service and an

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Reply to Office Action of January 4, 2007

additional service as well as service information are received in a common service channel.

Thus, Marks is not believed to anticipate or render obvious the subject matter of claim 72 when considered in view of Leeke. Claim 67 is dependent on claim 72 and is thus believed to be allowable for at least the same reasons.

In view of the current amendment, no further issues are believed to remain. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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